

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

MICHAEL ROBERTS	*	CIVIL ACTION
Plaintiff	*	
v.	*	
ALTAIR LINES, S.A.	*	NO. 05-cv-0454 (GMS)
Defendant/Third-Party Plaintiff	*	
ACTIVE CRANE RENTALS, INC.	*	
Third-Party Defendant	*	
v.	*	
MURPHY MARINE SERVICES, INC. and MAGCO CRANE RENTALS	*	
Fourth-Party Defendants	*	

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**FOURTH-PARTY DEFENDANT MAGCO CRANE RENTAL, INC.'S  
RESPONSE TO REQUEST FOR PRODUCTION OF DOCUMENTS  
FROM THIRD-PARTY DEFENDANT ACTIVE CRANE RENTALS, INC.**

TO: Active Crane Rentals, Inc., Third-Party Defendant

FROM: Magco Crane Rentals, Inc., Fourth-Party Defendant

Fourth-Party Defendant Magco Crane Rentals, Inc. ("Magco"), by its undersigned counsel, responds to the Request for Production of Documents propounded by Third-Party Defendant and states as follows:

**I. INTRODUCTION**

- A. Magco Crane Rentals, Inc. objects to any request for information protected from discovery by the attorney-client and/or the work-product doctrine.
- B. Magco Crane Rentals, Inc. reserves its right to supplement these Responses.

**II. RESPONSES**

1. The entire claims and investigation file or files of the defendant and/or its counsel or any other organization, excluding references to mental impressions, conclusions or opinions representing the value or merit of the claim or defense or respecting strategy or tactics and privileged communication from counsel.

**RESPONSE NO. 1:** Defendant has been diligently searching its files relevant to this action; however, to date, only payroll documents have been found. Copies of the payroll documents are attached hereto. These documents show that other than Christy A. Davis, an administrative employee of Magco Crane, June 29, 2003 is the last date on which Magco Crane employed a full staff, including crane operators. This Response will be supplemented if responsive, non-privileged documents are found.

2. All statements, memoranda, or writings (signed or unsigned) of any and all witnesses including any and all statements, memoranda, writings of plaintiff and/or defendants.

**RESPONSE NO. 2:** Other than documents produced by other parties in this action, Defendant is not in possession of documents responsive to this Request at this time.

3. All photographs, recordings, films, charts, sketches, graphs and diagrams taken and/or prepared.

**RESPONSE NO. 3:** Other than documents produced by other parties in this action, Defendant is not in possession of documents responsive to this Request at this time.

4. Any and all documents containing the names and home and business addresses of all individuals contacted as potential witnesses.

**RESPONSE NO. 4:** Magco Crane is not aware of any witnesses to the alleged occurrence.

5. All reports and Curriculum Vitae of any and all experts who will testify at trial.

**RESPONSE NO. 5:** Defendant will produce the requested documents in accordance with the Scheduling Order governing this action.

6. Any and all reports of this incident.

**RESPONSE NO. 6:** Defendant does not have reports of this incident, other than copies of reports produced by other parties to this action.

7. Any and all documents requested in interrogatories directed to you.

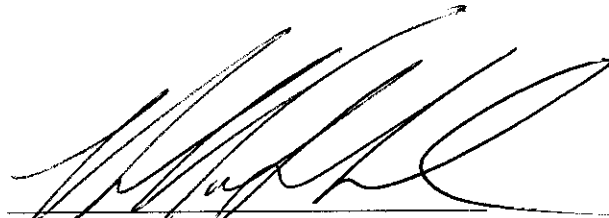
**RESPONSE NO. 7:** Defendant is only in possession of payroll documents at this time.

Copies of which are attached. Defendant continues to search its files and will supplement this Response if responsive, non-privileged documents are found.

8. All records documenting work performed by Murphy Marine Services, Inc., Magco Crane Rentals, Inc. or Altair Lines, SA in discharging cargo on the M/V SHINANO REEFER, including but not limited to Daily Work Reports, Time Sheets, Work Logs, Production Reports, Checker Reports, Hatch Tallies, Hatch Reports, Work Summaries, Gang Lists, and time Sheets from Employees who worked on or about June 30, 2003 at the Port of Wilmington on board the M/V SHINANO REEFER.

**RESPONSE NO. 8:** Defendant is only in possession of payroll documents at this time.

Copies of which are attached.



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***Attorneys for Fourth-Party Defendant  
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